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OFFICE OF PETITIONS

In re Application of :
Antony R. Shoaf :
Application No. 10/035,277 :
Filed: November 19, 2001 : DECISION GRANTING
Attorney Docket No. 02906-01 : FILING DATE

This is a response to the Petition for Earlier Filing Date, filed March 21, 2002, requesting that the above-identified application be accorded a filing date of November 19, 2001, rather than the presently accorded filing date of January 3, 2002.

The letter requests the earlier filing date under 35 U.S.C. 21(a) and 37 CFR 1.6(e) on the basis that the application would have been deposited with the United States Postal Service as Express Mail on November 19, 2001, but for a postal service interruption or emergency designated by the Commissioner. 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001). Due to the Post Office refusal to accept the application for mail via Express Mail, Petitioner deposited the application First Class mail on November 19, 2001.

On October 9, 2001, a notice was published in the *Official Gazette* designating a postal service interruption caused by the suspension of the "Express Mail" service of United States Postal Service for mail addressed to ZIP codes 202xx through 205xx, as a postal service interruption and emergency under 35 U.S.C. 21(a) and 37 CFR 1.6(e). See 1251 OG 55.

In view of the foregoing, it is concluded that the present application would have been filed by Express Mail on November 19, 2001, if it were not for the designated interruption in the USPS.

Accordingly, the application will be accorded a filing date of November 19, 2001.

No petition fee is required. As such, a refund of the petition fee has been scheduled.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 19, 2001.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.



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for Patent Examination Policy